

not being actually and specially named as legatees, and having died in his lifetime ; and as the complainants in this case, who are the grandchildren of the testator, claim, under his will, as representing their deceased mother, it is insisted, they have no title to the aid of the court ; because, they do claim under the will, and not as the personal representative of their grandfather, under our act of assembly.

But, though the complainants do, by their bill, assert their title under the will of William G. Jackson, and claim relief accordingly, they likewise state every fact necessary to enable them to recover, as his personal representatives.

They allege, that all of his children, with, perhaps, one exception, died in the lifetime of the testator, childless and without having married, with the exception of their mother, Araminta, who had intermarried with one Richard Wootten. And, the proof shows, that all of them did so die in the lifetime of the testator ; and, that the children of the said Araminta, are the only grandchildren. These complainants, with their sisters, are, therefore, by the showing of the bill, the personal representatives of the testator, and entitled as such, to his personal estate, upon the death of his widow, the legatee for life ; and, though the bill does found their title to the interposition of the court, upon the provisions of the will, it by no means follows, they can have no relief, unless they can make out their title under it. The bill states facts, showing the complainants and their sisters to be the personal representatives of their grandfather, and there is a prayer for general relief ; and hence, though they may not be entitled to recover, according to the specific prayer, or the precise character in which they present their claim, there can be no objection to granting them any relief, consistent therewith, warranted by the allegations of the bill.

Now, the allegations of the bill, in this case, are such, as to entitle the complainants to relief, either under the will or as the personal representatives of their grandfather. Their title in the latter capacity is a conclusion of law, founded upon the statements of the bill ; and, it is well settled, that when facts are